

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISIDRO OROZCO, et al.,
Plaintiffs,
v.
FCA US, LLC,
Defendant.

Case No. 1:21-cv-01674-NODJ-SAB

ORDER DENYING THE PARTIES' JOINT
STIPULATION FOR ORDER TO
CONTINUE JURISDICTION

On November 19, 2021, Plaintiffs Isidro Orozco and Johanna Orozco filed this action against Defendant FCA US, LLC. (ECF No. 1.) On August 18, 2023, the parties filed a request for entry of judgment pursuant to Federal Rule of Civil Procedure ("Rule") 68(a) before the then-assigned District Judge. (ECF No. 41.) The parties' August 18, 2023 request is still pending and no final judgment has been entered. However, on December 22, 2023, the parties filed a joint stipulation for an order to continue the Court's jurisdiction until Plaintiffs' attorneys' fees, costs, and expenses are decided. (ECF No. 44.) The parties proffer that the Court entered judgment in favor of Plaintiff on December 1, 2023, and therefore the Plaintiffs' motion for attorneys' fees and application for costs are due on December 29, 2023, pursuant to Rule 54 and Local Rule 293 ("[m]otions for awards of attorneys' fees to prevailing parties pursuant to statute shall be filed not later than twenty-eight (28) days after entry of final judgment."). (Id. at 2.) The parties request that the Court continue the filing deadline of Plaintiffs' motion for attorneys' fees, costs, and

expenses from December 29, 2023 to February 29, 2024 and continue jurisdiction until Plaintiffs' attorneys' fees, costs, and expenses are decided and funding is satisfied. (*Id.* at 2-3.)

As previously stated, no order has been issued regarding the parties' August 18, 2023 request for entry of judgment. Contrary to the parties' representation that the Court entered judgment in favor of Plaintiffs on December 1, 2023, the only order issued by the Court on December 1, 2023 was to notify the parties that, "[d]ue to the elevation of U.S. District Judge Ana I. de Alba to the Ninth Circuit Court of Appeals, the court finds it necessary to assign the above-captioned case to No District Court Judge (NODJ) until a new district judge is appointed."¹ (ECF No. 43.) The Court is not aware of any other order issued on December 1, 2023 in the instant action wherein "this Court entered Judgment in favor of Plaintiff." (ECF No. 44 at 2.) It is therefore not clear if the instant stipulation was filed mistakenly in this action. Because no final judgment has been entered in the instant action, the Court denies the parties' stipulation to continue jurisdiction and the requested extension of time for Plaintiff to file a motion for attorneys' fees and application for costs.

To reiterate the Court's December 1, 2023 order, no District Judge is currently assigned to the pending action due to the recent appointment of Judge de Alba to the Ninth Circuit.² The parties are reminded that Magistrate Judges are available to conduct case dispositive proceedings, including motions to dismiss, motions for summary judgment, a jury or non-jury trial, and entry of a final judgment. However, exercise of this jurisdiction by a Magistrate Judge is permitted only if all parties voluntarily consent. To consent or decline to Magistrate Judge

¹ The Court notes that between the parties' request for entry of judgment on August 18, 2023 (ECF No. 41) and the Court's December 1, 2023 order that the case has been reassigned to No District Judge (ECF No. 43), the only other filing in this case was a notice of appearance by Christopher James Campbell on behalf of Plaintiffs (ECF No. 42).

² The Court emphasizes that aside from the recent appointment leaving this case unassigned to an active District Judge, the District Judges in the Eastern District are among the busiest in the nation. (*See* ECF No. 40 entered in Case No. 1:20-cv-01069-ADA-SAB ("The parties are further advised that due to the judicial resource emergency and COVID pandemic, there are more than 130 motions currently under submission in Judge de Alba's recently re-assigned caseload. The Court understands the impact that such a backlog has on the parties and although the Court will continue working diligently to resolve all pending motions, it may still be months before the parties' pending motion is resolved. As such, in light of having the heaviest district court caseload in the nation, limited Court resources, and the need to prioritize criminal and older civil matters over more recently filed actions, this Court strongly encourages the parties to consent to conduct all further proceedings before a U.S. Magistrate Judge.").)

jurisdiction, a party may sign and file the consent form available on the Court's website, at: <http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>. Parties may consent, decline, or withhold consent without any adverse consequences, and the assigned Magistrate Judge will not be informed of the individual party's holding or withholding of consent.

Accordingly, IT IS HEREBY ORDERED that the parties' joint stipulation for an order to continue jurisdiction and request for an extension of time to file Plaintiff's motion for attorneys' fees and application for costs (ECF No. 44) is DENIED.

IT IS SO ORDERED.

Dated: **December 26, 2023**


UNITED STATES MAGISTRATE JUDGE